

भारत का राजपत्र The Gazette of India

असाधारण

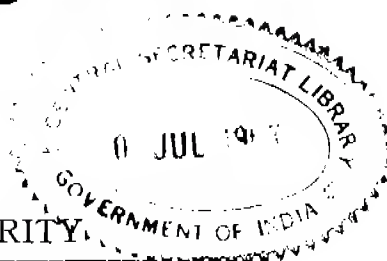
EXTRAORDINARY

भाग II—खंड 2

PART II—Section 2

प्रधिकार से प्रकाशित

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No. 23 NEW DELHI, MONDAY, APRIL 28 1969/VAISAKHA 8, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 28th April, 1969:—

Bill No. XXIX of 1968

A Bill further to amend the Delhi Shops and Establishments Act, 1954.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Delhi Shops and Establishments (Amendment) Act, 1969.

Short
title.

Delhi Act
VII of
1954.

2. In section 2 of the Delhi Shops and Establishments Act, 1954 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(a) after clause (1), the following clause shall be inserted, namely:—

“(1A) “apprentice” means a person who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft or employment in any establishment;”

(b) for clause (7), the following clause shall be substituted, namely:—

‘(7) “employee” means a person wholly or principally employed, whether directly or otherwise, and whether for wages (payable on permanent, periodical, contract, piece-rate or commission basis) or other consideration, about the business of an establishment and includes an apprentice and any person employed in a factory but not governed by the Factories Act, 1948 and, for the purpose of any matter regulated by this Act, also includes a person discharged or dismissed whose claims have not been settled in accordance with this Act;’ 63 of 1948.

Amend-
ment of
section 6.

3. In section 6 of the principal Act, for the words “fifteen days”, the words “thirty days” shall be substituted.

Substitu-
tion of
new sec-
tion for
section
10.

4. For section 10 of the principal Act, the following section shall be substituted, namely:—

Interval
for rest
and
meals.

“10. (1) The period of work of an adult employee in an establishment each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest and meals of at least half an hour.

(2) The time for such interval shall be fixed by the employer and intimated to the Chief Inspector a week before such fixation and shall remain operative for a period of not less than three months.”.

Amend-
ment of
section
16.

5. In section 16 of the principal Act, in sub-section (3),—

(a) for clause (i), the following clause shall be substituted, namely:—

“(i) The Government may, by notification in the Official Gazette, specify a close day for the purposes of this section and different days may be specified for different classes of shops or commercial establishments or for different areas.”;

(b) clause (ii) shall be omitted and clause (iii) shall be re-numbered as clause (ii).

6. In section 21 of the principal Act, in sub-section (2),—

Amend-
ment of
section
21.

(a) after the words "employee himself", the words "or any official of a registered trade union authorised in writing to act on his behalf" shall be inserted;

(b) for the words "six months", in both the places where they occur, the words "one year" shall be substituted.

7. In section 22 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

Amend-
ment of
section
22.

"(1) Every person employed in an establishment shall be entitled—

(a) after every twelve months' continuous employment, to privilege leave for a total period of not less than fifteen days;

(b) in every year, to sickness or casual leave for a total period of not less than twelve days:

Provided that—

(i) an employee who has completed a period of four months in continuous employment, shall be entitled to not less than five days' privilege leave for every such completed period; and

(ii) an employee who has completed a period of one month in continuous employment, shall be entitled to not less than one day's casual leave for every month:

Provided further that a watchman or caretaker who has completed a period of twelve months in continuous employment and to whom the provisions of sections 3, 10, 11, 13 and 17 do not apply by virtue of an exemption granted under section 4, shall be entitled to not less than thirty days' privilege leave.

(1A) (i) Privilege leave to which an employee is entitled under clause (a) of sub-section (1) or under any such law, contract, custom or usage, award, settlement or agreement as is referred to in section 3, or any part of such leave, if not availed of by such employee, shall be added to the privilege leave in respect of any succeeding period to which he is so entitled, so however, that the total period of such privilege leave which may be accumulated by such employee shall not at

any one time exceed three times the period of privilege leave to which he is entitled after every twelve months' employment under that clause or under such law, contract, custom or usage, award, settlement or agreement.

(ii) Leave admissible under clause (b) of sub-section (1) shall not be accumulated.”.

Substitu-
tion of
new sec-
tion for
section
24.

8. For section 24 of the principal Act, the following section shall be substituted, namely:—

Con-
tracting
Act.

“24. Any contract or agreement whether made before or after the commencement of the Delhi Shops and Establishments (Amendment) Act, 1969, whereby an employee relinquishes any right conferred by this Act, shall be null and void in so far as it purports to deprive him of such right”.

STATEMENT OF OBJECTS AND REASONS

The Delhi Shops and Establishments Act, 1954, which was enacted by the then Delhi Legislative Assembly, regulates the hours of work, payment of wages, grant of leave and holidays, terms of service and other conditions of work, of persons employed in shops, commercial establishments and establishments for public entertainment. The working of the Act has revealed certain difficulties in the effective enforcement of its provisions. With a view to removing these difficulties, it is now proposed—

(a) to widen the coverage of the Act so as to bring within its scope apprentices, piece-rated workers and persons employed on commission basis;

(b) to provide for a period of thirty days instead of fifteen days in respect of any change to be communicated to the Chief Inspector under section 6;

(c) to make it obligatory for the employer to fix interval for rest and meals and to intimate it to the Chief Inspector;

(d) to vest in the Government the power to specify by notification the "close day", locality-wise, trade-wise or uniformly for the whole of the Union territory of Delhi;

(e) to provide that claim applications arising out of delayed payment or non-payment of wages can also be filed by any official of a registered trade union if authorised in writing by the employee;

(f) to increase the time limit for filing claims from six months to twelve months;

(g) to raise the ceiling for accumulation of privilege leave from two years to three years' entitlement and to permit grant of sickness or casual leave on a proportionate basis; and

(h) to prohibit employees from contracting out of any of the benefits extended by the Act.

The Bill is intended to give effect to these proposals.

NEW DELHI;
The 17th July, 1968.

JAISUKHLAL HATHI.

B. N. BANERJEE,
Secretary.

